IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WP(C).No. 4444 of 2005(D)

PETITIONER:

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1. M.ABDUL RAHIMAN KUNJU,
   LUBINA MANZIL, PALLITHOTTAM, KOLLAM.

2. A.SIRAJUDDIN, S/O. M.ABDUL RAHIMAN KUNJU
   LUBINA MANZIL, PALLITHOTTAM, KOLLAM.

BY ADV. SRI.N.D.PREMACHANDRAN

RESPONDENTS:

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1. ASSISTANT PROVIDENT FUND COMMISSIONER,
   EMPLOYEES PROVIDENT FUND ORGANIZATION,
   BHAVISHYANIDHI BHAVAN, PATTOM, TRIVANDRUM-695 004.

2. S.PONNAN PILLAI, LATHA BHAVAN,
   MEVARAM, THATTAMALA, KOLLAM.

3. RAMANI AMMA, LATHA BHAVAN, MEVARAM,
   THATAMALA, KOLLAM.

R1 BY ADV. SRI.N.N. SUGUNAPALAN, SC, P.F.
SRI.K.S.MANU (PUNUKKONNOOR)
SRI.P.SREEKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P(C) 4444/05

PETITIONER'S EXTS:

EXT.P1: A COPY OF THE EXTRACT OF LICENSE DT. 1.4.89

EXT.P2: A COPY OF THE AGREEMENT DT. 22.12.2000

EXT.P3: -DO- DT. 15.1.2001

EXT.P4: -DO- OF THE SALE DEED DT. 15.1.2001

EXT.P5: -DO- OF THE NOTICE DT. 15.11.2001

EXT.P6: -DO- OF THE RECCEIPT DT. 13.12.2001

EXT.P7: -DO- OF THE NOTICE DT. 6.2.2004

EXT.P8: -DO- OF THE JUDGMENT DT. 11.7.2002 IN O.P. NO: 1227/2002 OF THIS HON'BLE COURT

jj /TRUE COPY/

P.A. TO JUDGE

K.BALAKRISHNAN NAIR , J.

Writ Petition (C) No.4444 of 2005-D

Judgment

The petitioners have approached this Court, challenging the recovery of the amount due under Ext.P7. The learned counsel for the petitioners submits that the entire amount due to the 1st respondent under Ext.P7 has already been paid. In support of that submission, he relied on paragraph 3 of the counter affidavit filed by the 1st respondent, which reads as follows :

> *"It is submitted that the petitioner had remitted the amount of penal damages and interest levied at Rs.1,01,368/- as directed by this Hon'ble Court vide oder dated 08.02.2005."*

In view of the above position, the Writ Petition has become infructuous, provided there is no other amount due under Ext.P7. Accordingly, the Writ Petition is closed. But, the closure of the Writ Petition will not affect the rights, if any of the petitioners, to recover the amounts they have paid, from respondents 2 and 3, as according to the petitioners, they were discharging the liability of the said respondents.

16.11.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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